

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**THE ESTATE OF FED ROGERS, SR.  
AND CAROLYN FAYE ROGERS,  
INDIVIDUALLY AND ON BEHALF OF  
THE ESTATE AND WRONGFUL  
DEATH BENEFICIARIES OF FED  
ROGERS, SR.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 5:03-CV-279-DCB**

**CLAIBORNE COUNTY NURSING  
CENTER, INC.; INTERNATIONAL  
HEALTHCARE PROPERTIES 61, LP;  
TOYO JITSUGYO, CO., LTC;  
INTERNATIONAL HEALTHCARE  
ASSOC. 61, INC.; VANGUARD  
HEALTHCARE; C. BRUCE KELLY;  
JOHN DOES 1 THROUGH 10; AND  
UNIDENTIFIED ENTITIES 1  
THROUGH 10 (AS TO CLAIBORNE  
COUNTY NURSING CENTER)**

**DEFENDANTS**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE  
AS TO CERTAIN DEFENDANTS**


THIS MATTER came before the Court on the *ore tenus* motion of Plaintiffs THE ESTATE OF FED ROGERS, SR. AND CAROLYN FAYE ROGERS, INDIVIDUALLY AND ON BEHALF OF THE ESTATE AND WRONGFUL DEATH BENEFICIARIES OF FED ROGERS, SR. ("Plaintiffs") to dismiss with prejudice the claims in this action against Defendants CLAIBORNE COUNTY NURSING CENTER, INC.; INTERNATIONAL HEALTHCARE PROPERTIES 61, LP; TOYO JITSUGYO, CO., LTC; INTERNATIONAL HEALTHCARE ASSOC. 61, INC.; VANGUARD HEALTHCARE; C. BRUCE KELLY; SENIOR LIVING CENTERS, LLC; JOHN DOES 1 THROUGH 10; AND UNIDENTIFIED ENTITIES 1 THROUGH 10 (AS TO CLAIBORNE COUNTY NURSING CENTER) ("Defendants"). After being fully advised in the premises, and Plaintiffs and Defendants having

reached a full and final compromise regarding this dispute, the Court finds that the motion is well-taken and should be granted.


IT IS THEREFORE ORDERED that Plaintiff's claims in this action against Defendants are hereby dismissed with prejudice with each party to bear its own costs.


IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce the terms of the Settlement Agreement and Release by and between Plaintiffs and Defendants, including, but not limited to, the authority to enforce the payment of all sums potentially due Plaintiffs under the terms of said Release.

SO ORDERED, this the 21<sup>st</sup> day of December, 2009.

  
UNITED STATES DISTRICT JUDGE

Approved and Agreed:

  
CAMERON C. JUHL  
Counsel for Plaintiffs

  
B. LYLE ROBINSON  
Counsel for Defendants